

EXHIBIT 10

IN THE DISTRICT COURT IN AND FOR WASHINGTON COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
)
)
vs.) CASE NO. YO-2011-1
)
)
SHARONICA RENEE CARTER,)
Defendant.)

TRANSCRIPT OF PROCEEDINGS

Held on September 22, 2011

Before the Honorable Curtis L. DeLapp

District Judge

APPEARANCES:

AARON PEMBLETON, Assistant District Attorney,
Washington County Courthouse, 420 South Johnstone,
Bartlesville, Oklahoma, 74003, appeared on behalf of the
State of Oklahoma.

KRISTI SANDERS, Attorney at Law, 415 S.E. Dewey, Ste.
302, Bartlesville, Oklahoma, 74003 appeared on behalf of
Sharonica Renee Carter.

Laurie A. Hoyt, C.S.R.
420 South Johnstone, Rm. 318
Bartlesville, Oklahoma 74003

DISTRICT COURT OF OKLAHOMA
OFFICIAL TRANSCRIPT

P R O C E E D I N G S

THE COURT: Okay. Ms. Carter, your mother may be on the way here. I don't know. Have you talked to her?

SHARONICA CARTER: Yeah. Yes, sir, I just talked to her.

THE COURT: Where was she at?

SHARONICA CARTER: She said like coming down the street. She was looking for parking.

THE COURT: Okay. Maybe she'll get up here while we do some preliminary stuff first.

This is State of Oklahoma versus Sharonica Renee Carter, YO-11-1. Ms. Carter had previously entered a plea in this particular case and was passed -- that was August 11, I believe, and it was passed while a PSI was being done. That's been filed on September 12th. There's a copy of the presentence investigation. There's also attached to that I believe -- yes, a psychological evaluation by Curtis Grundy. And there's also an individual treatment and service plan that's attached.

Any corrections or additions to the report, Mr. Williams?

MR. BOB WILLIAMS: No, Your Honor.

THE COURT: Ms. Sanders, we have -- you received a copy of all this stuff on behalf of your client.

1 Any corrections or additions on those things?

2 MS. SANDERS: No, Your Honor. And I did
3 receive copies.

4 THE COURT: They are recommending -- I think
5 what we're arguing about at this time was there was a
6 difference between a ten-year suspended sentence and
7 five-year suspended sentence. Is that -- if I recall, is
8 that right, Ms. Sanders?

9 MS. SANDERS: Yes, Judge. I'm asking for
10 some type of deferred sentence if that's even possible
11 under the Youthful Offender Act. I did a little bit of
12 research and didn't find anything that said it wasn't, but
13 I also didn't find anything saying that it was possible.
14 Or, if the court is more inclined to go for a longer period
15 of time -- I understand -- I did look through the statute.
16 I did look through the statutes and there is a procedure to
17 have this expunged and that type of thing even if it is a
18 suspended sentence. But in Sharonica's case, because of
19 her age and because of the facts and circumstances is why I
20 was asking for a shorter period of time or a deferred
21 sentence, Judge.

22 THE COURT: And just coming in is mom. You
23 are who, sir?

24 SPECTATOR: Uncle.

25 THE COURT: Tell me your name.

1 SPECTATOR: Franco Carter.

2 THE COURT: Thank you. And you are, ma'am?

3 SPECTATOR: Sister.

4 THE COURT: Tell me your name.

5 SPECTATOR: Akilia Carter.

6 THE COURT: And on behalf of state.

7 MR. PEMBLETON: Your Honor, I would object
8 to a deferred sentence. Ms. Carter has had several
9 previous cases, including assault and battery and
10 possession of firearm on school property. Those were both
11 in '08. And given the facts of this case where a firearm
12 was used in an attempt to -- an attempted robbery, the
13 state believes that it is proper for a ten-year on a YO
14 case where if Ms. Carter goes through the rehabilitation
15 program the rest of that time would be suspended. If not,
16 the state would be able to bridge that sentence over into
17 the adult system.

18 THE COURT: Ms. Carter is currently 16. Her
19 birthday is [REDACTED] Is that correct?

20 MS. SANDERS: Yes, sir.

21 THE COURT: And according to the statute
22 there has been a report done. The court has reviewed the
23 PSI and finds -- well, the court shall conduct a hearing
24 and shall consider, with the greatest weight given to the
25 subparagraphs A and B, which is whether the offense was

1 committed in an aggressive, violent, premeditated or
2 willful -- well, there is a finding that there was,
3 according to the report -- and also it is a violent crime
4 under the Title 57, 571. In fact, I believe it's also an
5 85 percent crime. And then whether it was against a
6 person, which it was committed against a person. There was
7 an attempted robbery.

8 The record, as stated, she's had -- been
9 adjudicated as delinquent in JDL-2008-498, Tulsa County,
10 for assault and battery. And again for the offense of
11 possession of a firearm on school property in JDL-2008-1688
12 while she was on probation. Those cases were closed.

13 It does factor in, at least for this court, now
14 that she has another crime with a firearm in this
15 particular case. She also had a petition that was filed
16 but was dismissed by the state in Tulsa and then -- or
17 there was something pending. I think it's still currently
18 pending, Mr. Williams?

19 MR. BOB WILLIAMS: I believe there's two
20 cases pending in Tulsa County, Your Honor.

21 THE COURT: When is her court dates on those
22 or do we have court dates on those?

23 MR. BOB WILLIAMS: I don't know that there's
24 a court date. I think they're waiting to see the outcome
25 of this case, Your Honor.

1 THE COURT: I have reviewed also
2 Dr. Grundy's report. The way I understand that, once she
3 has been adjudicated and found to be a youthful offender,
4 which she's going to be, she would remain in the custody of
5 O.J.A. They would be the supervisor until she's turns 18.
6 If the court sets a sentence beyond 18 she is to come back.
7 And the statute says that if the individual sentenced
8 youthful offender attains 18 years of age prior to the
9 expiration of sentence, the individual shall be returned to
10 the sentencing court and at that time the court makes the
11 determination on what to do.

12 So to answer the question I believe -- I don't
13 know of any prohibition for a deferred sentence in a
14 juvenile youthful offender case. It sets out there that
15 the court shall impose a sentence subject to the same type
16 of sentencing procedures and duration, except for capital
17 cases, including suspension or deferment as an adult
18 convicted of a felony offense.

19 The issue in this case though is with
20 Ms. Carter's priors, particularly the gun charge, the court
21 is not going to defer her sentence in this particular case.
22 The court is going to put her on a suspended sentence in
23 this particular case. I'm going to put her on a five-year
24 suspended sentence. It would include a 1,000-dollar fine,
25 a 250-dollar VCA, the court costs, the penalty assessments.

1 Is there any restitution? I don't think there is.

2 MS. SANDERS: I don't think there is that
3 I'm aware of. Unless there was something as to the vehicle
4 or something.

5 MR. PEMBLETON: I do not believe there was
6 damage to the vehicle. I believe it was just the
7 footprint.

8 MS. SANDERS: That was my understanding. I
9 don't know if they've made some type of a claim.

10 THE COURT: It's my understanding also,
11 pursuant to the statute, that any period of probation is,
12 as I said, the Office of Juvenile Affairs or designated
13 representative, if the youthful offender is under 18 years
14 of age, would be the supervising agency obviously.

15 I would include that she complete, substantially
16 complete, her RID plan of rehabilitation, that she complete
17 a hundred hours of community service. And I would order --
18 is it Demetra?

19 DEMETRA CARTER: Yes, sir.

20 THE COURT: To participate in Sharonica's
21 rehabilitative treatment. She understands at this point in
22 time, being sentenced, she has the appeal rights under the
23 youthful offender to appeal that are set out here to
24 appeal. To withdraw your plea of guilty, you have to do
25 that within ten days of today and you must do that in

1 writing. If you did that I'd have to hold a hearing within
2 30 days. If I denied your request you'd have the right to
3 appeal to the Court of Criminal Appeals within 90 days.
4 You would also have the right to be represented on appeal
5 obviously by a court appointed attorney and a record and
6 transcript at public expense. Do you understand these
7 rights to appeal, Ms. Carter?

8 SHARONICA CARTER: Yes, sir.

9 MS. SANDERS: Those are the rights we went
10 over last time.

11 THE COURT: Have you understood all the
12 questions that I've asked you today and the last time you
13 were here in particular? You understand those?

14 SHARONICA CARTER: Yes, sir.

15 THE COURT: Have your answers been freely
16 and voluntarily given?

17 SHARONICA CARTER: Yes, sir.

18 THE COURT: All right. She needs to sign
19 that acknowledging that she understands her appeal rights.
20 We want to set a six-month review at this point in time.

21 MS. SANDERS: Would it be possible to set it
22 sooner than that, approximately the January timeframe or
23 February.

24 THE COURT: I have no problem doing that.

25 MS. SANDERS: She's already -- as the report

1 indicated, she's already attended several voluntary groups
2 including the anger group and the girls circle group.
3 Sharonica is telling me that any group that they let her
4 attend she attends. So I encouraged her to continue that
5 kind of attitude and to do well in this program.

6 MR. PEMBLETON: Your Honor, can we have that
7 January 19th then?

8 MS. SANDERS: That would be fine.

9 THE COURT: 19th of January at 10:00 o'clock
10 for review.

11 Do you have any questions today, Ms. Carter?

12 SHARONICA CARTER: No, sir.

13 THE COURT: Any questions?

14 (NO RESPONSE.)

15 THE COURT: All right. Anything further
16 from the state?

17 MR. PEMBLETON: No, Your Honor.

18 -----
19 (END OF PROCEEDINGS.)

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C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss:
COUNTY OF WASHINGTON)

I, Laurie A. Hoyt, C.S.R., Certified Shorthand Reporter, within and for the State of Oklahoma, do hereby certify that on September 22, 2012, before the Honorable Curtis L. DeLapp, I stenographically reported the proceedings had and the evidence given, and the above and foregoing is a true, correct, and complete transcript of the proceedings had and the testimony given, together with the objections of counsel and the ruling of the Court thereto, taken at said time and place, to the best of my ability.

WITNESS my hand and seal this _____ day of _____, 2020.

LAURIE A. HOYT, C.S.R.